

ACTUAL PERFORMANCE FOR OUTPUT/EFFICIENCY MEASURES
448 - Office of Injured Employee Counsel
FISCAL YEAR 2010
10/7/2010

Actual Performance for Output/Efficiency Measures
81st Regular Session, Performance Reporting
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **10/7/2010**
TIME: **8:33:04AM**
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Agency code: **448**

Agency name: **Office of Injured Employee Counsel**

Type/Strategy/Measure	2010 Target	2010 Actual	2010 YTD	Percent of Annual Target
Output Measures				
<u>1-1-1 OMBUDSMAN PROGRAM</u>				
2 # OF BRC W/ OMBUDSMAN ASSISTANCE				
Quarter 1	5,100.00	1,064.00	1,064.00	20.86 %
Quarter 2	5,100.00	941.00	2,005.00	39.31 % *
<u>Explanation of Variance:</u> The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target for the first half of the fiscal year because the number of BRCs has declined during the past few months. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of BRC's due to the number of disputed issues being resolved prior to holding a proceeding.				
Quarter 3	5,100.00	965.00	2,970.00	58.24 % *
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target for the first three quarters of the fiscal year because the number of BRCs has declined during the past few months. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of BRC's due to the number of disputed issues being resolved prior to holding a proceeding.				
Quarter 4	5,100.00	986.00	3,956.00	77.57 % *
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target in FY 2010 because the number of Benefit Review Conferences has continued to decline during the fiscal year. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of BRC's due to the number of disputed issues being resolved prior to holding a proceeding.				

* Varies by 5% or more from target.

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Output Measures				
4 # OF CCH W/ OMBUDSMAN ASSISTANCE				
Quarter 1	2,100.00	549.00	549.00	26.14 %
Quarter 2	2,100.00	455.00	1,004.00	47.81 %
Quarter 3	2,100.00	488.00	1,492.00	71.05 %
Quarter 4	2,100.00	433.00	1,925.00	91.67 % *
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target in FY 2010 because the number of Contested Case Hearings has continued to decline during the fiscal year. OIEC believes the decline is due in part to the economy. There have not been as many injuries reported; therefore, the number of disputes have decreased. There has also been a steady trend of injured employees entering a workers' compensation network. This trend has an adverse correlation with the number of out-of-network proceedings. Additionally, OIEC's early intervention efforts are impacting the number of Contested Case Hearings due to the number of disputed issues being resolved prior to holding a proceeding.				
5 # OF OMBUDSMAN APPEAL PREPS				
Quarter 1	550.00	150.00	150.00	27.27 %
Quarter 2	550.00	132.00	282.00	51.27 %
Quarter 3	550.00	152.00	434.00	78.91 %
Quarter 4	550.00	143.00	577.00	104.91 %
<u>2-1-1 RIGHTS RESPONSIBILITIES & REFERRAL</u>				
1 # INJURED EMPLOYEES REACHED				
Quarter 1	212,000.00	46,319.00	46,319.00	21.85 %
Quarter 2	212,000.00	41,604.00	87,923.00	41.47 % *
<u>Explanation of Variance:</u> The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target for the first half of the fiscal year because fewer injuries have been reported. OIEC believes the decline is due in part to the economy. With the rise in unemployment, there have not been as many injuries reported.				
Quarter 3	212,000.00	47,746.00	135,669.00	63.99 % *
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target for the first three quarters of the fiscal year because fewer injuries have been reported. OIEC believes the decline is due in part to the economy. With the rise in unemployment, there have not been as many injuries reported.				
Quarter 4	212,000.00	47,362.00	183,031.00	86.34 % *
<u>Explanation of Variance:</u> OIEC did not achieve this measure's target in FY 2010 because fewer injuries have been reported. OIEC believes the decline is due in part to the economy. With the rise in unemployment, there have not been as many injuries reported.				

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Output Measures				
<u>3-1-1 PARTICIPATE IN RULEMAKING</u>				
1 NUMBER OF ADOPTED RULES ANALYZED				
Quarter 1	9.00	1.00	1.00	11.11 % *
<u>Explanation of Variance:</u> The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target during the first quarter of FY 2010 because only one rule was adopted during the period. OIEC anticipates that the target will be met by the end of the fiscal year due to the Texas Department of Insurance, the Division of Workers' Compensation, and OIEC's rulemaking initiatives slated for adoption within the fiscal year.				
Quarter 2	9.00	5.00	6.00	66.67 % *
<u>Explanation of Variance:</u> OIEC exceeded this measure's target during the first half of FY 2010 because five rules were adopted during the second quarter. OIEC anticipates that the target will be met or exceeded by the end of the fiscal year due to the Texas Department of Insurance, the Division of Workers' Compensation, and OIEC's rulemaking initiatives slated for adoption within the fiscal year.				
Quarter 3	9.00	1.00	7.00	77.78 %
Quarter 4	9.00	1.00	8.00	88.89 % *
<u>Explanation of Variance:</u> OIEC analyzes and actively participates in both the Texas Department of Insurance (TDI) and Division of Workers' Compensation (DWC) rule initiatives to carryout its statutory mission to advocate on behalf of the injured employees of Texas pursuant to Texas Labor Code §§404.101 and 404.104. OIEC did not meet the target because TDI did not adopt as many rules in FY 2010 as OIEC anticipated. OIEC continues to work with TDI and DWC to advocate on behalf of the injured employees of Texas.				

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Output Measures				
2 # ADOPTED RULES W/PARTICIPATION				
Quarter 1	8.00	1.00	1.00	12.50 % *
<u>Explanation of Variance:</u> The Office of Injured Employee Counsel (OIEC) did not achieve this measure's target during the first quarter of FY 2010 because only one rule was adopted during the period. OIEC anticipates that the target will be met by the end of the fiscal year due to the Texas Department of Insurance, the Division of Workers' Compensation, and OIEC's rulemaking initiatives slated for adoption within the fiscal year.				
Quarter 2	8.00	4.00	5.00	62.50 % *
<u>Explanation of Variance:</u> OIEC exceeded this measure's target during the first half of FY 2010 because five rules were adopted during the second quarter. OIEC anticipates that the target will be met or exceeded by the end of the fiscal year due to the Texas Department of Insurance, the Division of Workers' Compensation, and OIEC's rulemaking initiatives slated for adoption within the fiscal year.				
Quarter 3	8.00	1.00	6.00	75.00 %
Quarter 4	8.00	1.00	7.00	87.50 % *
<u>Explanation of Variance:</u> OIEC analyzes and actively participates in both the Texas Department of Insurance (TDI) and Division of Workers' Compensation (DWC) rule initiatives to carryout its statutory mission to advocate on behalf of the injured employees of Texas pursuant to Texas Labor Code §§404.101 and 404.104. OIEC did not meet the target because TDI did not adopt as many rules in FY 2010 as OIEC anticipated. Additionally, a rule that did not pertain to injured employees was adopted; therefore, OIEC did not participate in this rulemaking initiative. OIEC continues to work with TDI and DWC to advocate on behalf of the injured employees of Texas.				

Efficiency Measures

2-1-1 RIGHTS RESPONSIBILITIES & REFERRAL

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Efficiency Measures				
1 AVG DAYS FOR INJURED EMP CONTACT				
Quarter 1	28.00	23.67	23.67	84.54 % *
<u>Explanation of Variance:</u> The performance for this measure exceeded the target during the first quarter of FY 2010, which is a positive result. Notices of Injured Employee's Rights and Responsibilities in the Workers' Compensation system are returned due to incorrect addresses. The Office of Injured Employee Counsel (OIEC) does not have the opportunity to receive some of the returned mail and update the contact information until the following quarter. Therefore, as the fiscal year progresses the average number of days will increase. However, OIEC anticipates that the target will be met or exceeded by the end of this fiscal year.				
Quarter 2	28.00	20.96	22.35	79.82 % *
<u>Explanation of Variance:</u> The performance for this measure exceeded the target during the first half of FY 2010, which is a positive result. Notices of Injured Employee's Rights and Responsibilities in the Workers' Compensation system are returned due to incorrect addresses. The agency does not have the opportunity to receive some of the returned mail and update the contact information until the following quarter. Therefore, as the fiscal year progresses the average number of days will increase. However, OIEC anticipates that the target will be met or exceeded by the end of this fiscal year.				
Quarter 3	28.00	17.38	20.63	73.68 % *
<u>Explanation of Variance:</u> The performance for this measure exceeded the target during the first three quarters of FY 2010, which is a positive result. Notices of Injured Employee's Rights and Responsibilities in the Workers' Compensation system are returned due to incorrect addresses. The agency does not have the opportunity to receive some of the returned mail and update the contact information until the following quarter. Therefore, as the fiscal year progresses the average number of days will increase. However, OIEC anticipates that the target will be met or exceeded by the end of this fiscal year.				
Quarter 4	28.00	12.36	18.79	67.11 % *
<u>Explanation of Variance:</u> The performance for this measure exceeded the target in FY 2010, which is a positive result. The target was exceeded due to the timely electronic distribution of the "Notice of Injured Employee Rights and Responsibilities in the Workers' Compensation System."				

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